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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,599	10/17/2003	Toshiaki Nishiguchi	1163-0473P	9345

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EXAMINER	
PATEL, GAUTAM	

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
05/09/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/686,599	NISHIGUCHI, TOSHIAKI	
	Examiner	Art Unit	
	Gautam R. Patel	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4 and 6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4 and 6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-2, 4 and 6 are pending for the examination.

RCE STATUS

2. The request filed on 3/6/07 for Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application is acceptable and a RCE has been established. An action on the RCE follows.

Drawings/Objection

3. The drawings are objected for following reasons:

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the steps of:

"measuring the ambient temperature" and "adjusting initial data values based on ambient temperature measurement" must be shown or the features cancelled from the claims.

No new matter should be entered.

Applicant is required to submit a proposed drawing correction in response to this Office Action. Any proposal by the applicant for amendment of the drawings to cure defects must consist of following:

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment, and may be ***accompanied by a marked-up copy of one or more of the figures being amended, with annotations***. Any replacement drawing sheet ***must be identified in the top margin as "Replacement Sheet"*** and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. ***Any marked-up (annotated) copy showing changes must be labeled "Annotated Marked-up Drawings" and accompany the replacement sheet in the amendment (e.g., as an appendix).***

a proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Correction may not be held in abeyance.

Correction are required.

Claim Objections

4. Claims 4 and 6 objected for following reasons.

The specification does not disclose "measuring the ambient temperature in proximity of the disk at all. the specification discloses detecting ambient temperature of the device which is connected to CPU, in paragraph 2 on page 8.

Also word "proximity", in the claims, makes claims indefinite since amount of proximity is not defined in the specification. As a matter fact words disk and temperature do not show up in the specification in the same paragraph.

Corrections are required.

Claim Rejections - 35 U.S.C. § 112

5. The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 4 and 6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

"measuring the ambient temperature in proximity of the disk" required by the claims is not described in the specification. On page 8, lines 4-20 of the specification mentions detecting ambient temperature of the device which is connected to CPU but does not disclose anything about disk temperature and or what is meant by "proximity" to the disk. Accordingly, the specification does not explain to one of ordinary skill in the art at the time of the invention, how to make and or use the invention comprising the claimed "measuring the ambient temperature in proximity of the disk".

7. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4, lines 11-13 are is confusing and unclear. It is not clear what is meant by "proximity", since no parameter are defined as to definition of the proximity and any distance could be taken as proximity making claim indefinite.

Claim 4, lines 11-13 the scope of "proximity to disk" related to ambient temperature lacks proper antecedent basis.

Claim 6 has the same problem.

Claim Rejections - 35 U.S.C. § 103

8. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Motoyama et al., US. patent 4,426,690 (hereafter Motoyama) in view of Suzuki et al., US. patent 4,897,683 (hereafter Suzuki).

As to claim 1, Motoyama discloses the invention as claimed [see Figs. 1-2 and 5], including an optical disk device and servo control means comprising:

rotating means [inherently present when disk is rotating] for rotating an optical disk;

motor control means [inherently present when disk is rotating and needs control for proper operation] for controlling a number of revolutions of the rotating means;

focusing means [fig. 1, units 12, 13, 16 etc.] having a lens [fig. 1, unit 10] to read a signal which is recorded in a recording layer of the optical disk [fig. 1, unit 1] ;

servo control means [fig. 1, units 12, 13 14 15 etc.] that performs a focus pull-in operation based on a focus error signal and a tracking error signal which are obtained from the focusing means thereby to control a position of the lens [col. 2, line 62 to col. 4, line 31; col. 5, line 35 to col. 6, line 62 and col. 7, lines 6-23];

Motoyama discloses all of the above elements, including a linear drive motor and adjusting focus based on variations in ambient temperature.

Motoyama does not specifically disclose memory means or more particularly a table for storing initial values. However Motoyama does indicate that these values are stored in a sample and hold circuit [serving the function of memory and table] and than subsequently used for comparison with reference values [initial values] [see col. 6, lines 48-62]

However, it is well known in the art to store values in a table for comparison. Also more importantly Suzuki clearly discloses:

memory means [fig. 2, unit 101 memory] having a data table in which initial values and correction values of a plurality of adjustment items including a rotational speed of the optical disk, a moving speed of the lens and the amount of movement of the lens are described; and

logic operation means [fig. 2, unit CPU 101] that issues a correction command of the plurality of adjustment items to the servo control means and determines under respective adjustment conditions whether or not the focus pull-in operation is successfully performed and that in a case when it determines that the focus pull-in operation is not successfully performed, newly sets the respective correction values which are stored in the data table in the memory means to the servo control means and repeats the focus pull-in operation until it determines that the focus pull-in operation is successfully performed,

wherein the memory means has a data table [fig.2 , unit 101 and unit 57] [col. 5, lines 27-53] in which a relationship between an ambient temperature obtained from temperature detection means and amount of movement of the lens of the focusing means is described, and the logic operation means uses the amount of movement of the lens, corresponding to the ambient temperature obtained from the temperature detection means as an initial value which is set to servo control means [col. 2, line 51 to col. 3, line 13; col. 3, line 61 to col. 4, line 4 col. 4, lines 44-68].

Both Motoyama and Suzuki are interested in improving the focusing mechanism of a lens in an optical environment. Both disclose objective lens and movement control mechanism for these lenses. Both store parameters changes due to temperature variations which affects the focus of the lens.

One of ordinary skill in the art at the time of invention would have realized that the system of Motoyama would be sensitive to temperature variations and thus changing many parameters of the system.

Therefore, it would have been obvious to have used a memory and storing table for parameters in the system of Motoyama as taught by Suzuki because one would be motivated to reduce undue movement of the lens which makes beams out of focus in the system of Motoyama and provide better signal controls regarding focus control and improve quality of the signal by controlling speed and direction of the lens and thus achieve quick and accurate automatic focusing in presence of temperature variations [col. 2 lines 21-43; Suzuki].

9. The aforementioned claim 2, recites the following elements, inter alia, disclosed in Okada:

the memory means keeps the correction values which are set to the servo control means by the logic operation means, as the initial values which are newly set to the servo control means, in a case when the logic operation means determines that the focus pull-in operation is successfully performed, and hold the newly set initial values in the data table until the optical disk is removed [col. 2, line 51 to col. 3, line 13; col. 3, line 61 to col. 4, line 4 col. 4, lines 44-68].

10. A search based on the best understanding of the claims has been made to find the most pertinent art, but no statement about invention will be appropriate at this time regarding the allowableness of claims 4 and 6 and no art rejection will be made in this office action regarding the claims 4 & 6, due to the speculation required to interpret the claims because of their indefiniteness under 35 U.S.C. 112, 1st and 2nd paragraphs as noted above (see In re Steele, 134 USPQ 292).

11. Applicant's arguments with respect to above claims have been considered but are moot in view of the new grounds of rejection.

NOTES/REMARKS

12. The Applicants are invited to call the Examiner at number below, if they wish. Trying to contact the Attorney in time was not successful due to time pressure on the Examiner.

Contact information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is 571-272-7625. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2600) where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dwayne Bost, who can be reached on (571) 272-7023.

Any inquiry of a general nature or relating to the status of this application should be directed to the Electronic Business Center whose telephone number is 866-217-9197 or the USPTO contact Center telephone number is (800) PTO-9199.

GAUTAM R. PATEL
PRIMARY PATENT EXAMINER

Gautam R. Patel
Primary Examiner
Group Art Unit 2627

May 3, 2007